

RELINQUISHMENT BY UNITED STATES OF CERTAIN LANDS IN PENSACOLA, FLA.

APRIL 14, 1904.—Ordered to be printed.

Mr. HANSBROUGH, from the Committee on Public Lands, submitted the following

REPORT.

[To accompany S. 4699.]

The Committee on Public Lands, to whom was referred the bill (S. 4699) to relinquish and quit claim to Jacob Lipps, of Pensacola, Fla., his heirs and assigns, all the right, title, interest, and claim of the United States in, to, and on certain property in the city of Pensacola, Escambia County, Fla., having had the same under consideration, beg leave to report it back with certain amendments and recommend that as amended the bill do pass.

Another bill of the same nature (S. 5134) to relinquish and quitclaim to T. E. Welles, his heirs and assigns forever, all the right, title, interest, and claim of the United States in, to, and on certain property in the city of Pensacola, Escambia County, Fla., involving property immediately adjoining the property in question, is also pending before this committee, and the committee has, therefore, deemed it advisable to incorporate the two measures in one bill by adding as a second section of the bill (S. 4699) the subject-matter of Senate bill 5134, which is as follows:

That the United States hereby relinquishes and quitclaims to T. E. Welles, of Pensacola, Florida, his heirs and assigns, forever, all the right, title, interest, and claim of the United States in, to, and on the following-described property, situated and lying in the city of Pensacola, county of Escambia, State of Florida, known and described as follows: Beginning at the southwest corner of lot C, on the northeast corner of Jefferson and Sarragossa streets; thence running east along the northern line of Sarragossa street one hundred and thirty-four feet five inches; thence running northwardly at right angles to the line of Sarragossa street one hundred and six feet seven inches; thence west forty feet; thence south ten feet; thence west one hundred and twenty feet to Jefferson street; thence south along Jefferson street to the point of beginning.

After the cession by Spain of Florida to the United States, in 1819, a commission was appointed for the purpose of investigating and ascertaining what lands within the ceded district were Crown lands. The title to lands of this description would of necessity pass immediately

to the United States. The report of the commission seems to have omitted any mention of the two descriptions of property which are the subject-matter of the pending bills. The United States has never asserted its right of ownership to this property, and the land has been held in adverse possession by various parties, and now, by divers conveyances, has come into the possession of Jacob Lipps and T. E. Welles.

In 1892 an act of a similar nature was passed whereby all the interest of the United States in a certain parcel of land in the city of Pensacola, Fla., was quitclaimed to Escambia Lodge No. 15, Free and Accepted Masons. This land so quitclaimed to the lodge was immediately adjoining the property concerning which the present legislation is requested. The same conditions affected it which affect the land held by Jacob Lipps and T. E. Welles.

In reporting on the bill passed in 1892 Mr. Stockslager, Acting Commissioner of the General Land Office, states:

If at this time it is deemed advisable to investigate the rights of parties having prescriptive titles only to lands in said city, protected neither by treaty obligations nor statutory provisions, such examination of titles should be thorough, exhaustive, and final, and conducted under the direction of the Department of Justice.

This would possibly involve an examination of the old Spanish records relating to West Florida, in charge of the keeper of archives at Pensacola; the files and records of the surveyor-general's office at Tallahassee; the laws of the United States and of Spain; the title records of the city of Pensacola, or of the county, and of the city ordinances since the change of flags in the year 1821.

Any aid which this Office can render in the matter will be cheerfully given.

It is also suggested that remedial legislation by Congress may yet be necessary, something in the nature of a statute of repose, an act to quiet titles within said corporate limits.

The legislation which is now proposed is of this latter nature, and the committee recommends the passage of the measures which have been incorporated, under the committee's amendment, in one bill.

Also amend the title to read as follows:

To relinquish and quitclaim to Jacob Lipps, of Pensacola, Florida, his heirs and assigns, and T. E. Welles, his heirs and assigns, of Pensacola, Florida, respectively, all the right, title, interest, and claim of the United States in, to, and on certain properties in the city of Pensacola, Escambia County, Florida.